

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Mark Andrew Guthridge et al.

Application No.: 10/099,895

Confirmation No.: 5422

Filed: March 14, 2002

Art Unit: 1646

For: METHOD OF REGULATING CELLULAR  
ACTIVITIES

Examiner: Z.C. Howard

DECLARATION OF MARK ANDREW GUTHRIDGE, MICHAEL CLAUDE BERNDT,  
FRANK CHARLES STOMSKI, AND ANGEL FRANCISCO LOPEZ  
UNDER 37 C.F.R. § 1.132  
AND IN ACCORDANCE WITH *JV RE KATZ*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Mark Andrew Guthridge, Michael Claude Berndt, Frank Charles Stomski, and Angel Francisco Lopez, do hereby declare and state as follows:

1. Each of us is a citizen of Australia and more than 21 years of age.
2. We are co-inventors of the subject matter described and claimed in the above-identified patent application, and make the following averments on behalf of ourselves in this application.
3. We have read and are familiar with the instant application as it was filed in the U.S. Patent and Trademark Office (USPTO), the pending claims of this application, and the Office Action mailed by the USPTO on October 2, 2006 in connection with this application.
4. M. Dottore, W. Winnall, J. Woodcock, C.J. Bagley, D.T. Thomas and R.K. Andrews are co-authors of the article entitled "Identification of a 14-3-3 Binding Sequence in the Common B

Chain of the Granulocyte-Macrophage Colony-Stimulating Factor (GM-CSF), Interleukin-3 (IL-3), and IL-5 Receptors That Is Serine-Phosphorylated by GM-CSF," *Blood*, 94:1933-1942 (1999) ("the 1999 article"). This article was published September 15, 1999, i.e., less than one year prior to the effective U.S. filing date of the present application.

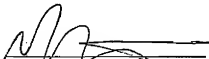
5. We understand that the 1999 article was relied upon in the October 2, 2006 Office Action to reject claims 73-79 of the application. The present declaration is submitted to describe the contribution of the authors of the 1999 article to the presently claimed invention.

6. We provided intellectual input regarding the conception and development of the method of inhibiting hematopoietic cell survival comprising mutating at least one of the residues of the binding motif of a GM-CSF/IL-3/IL-5 receptor, i.e., <sup>598</sup>HSRSLP<sup>603</sup>, of a hematopoietic cell disclosed in the 1999 article, and were named as co-authors because of these contributions. Co-authors M. Dottore, W. Winnall, J. Woodcock, C.J. Bagley, D.T. Thomas and R.K. Andrews merely worked under the direction of Mark Andrew Guthridge, Michael Claude Berndt, Frank Charles Stomski, and Angel Francisco Lopez, and did not contribute to the conception of the presently claimed invention.

7. The presently claimed method of inhibiting hematopoietic cell survival comprising mutating at least one of the residues of a binding motif of a GM-CSF/IL-3/IL-5 receptor, i.e., <sup>598</sup>HSRSLP<sup>603</sup>, of a hematopoietic cell, was conceived, developed and invented by Mark Andrew Guthridge, Michael Claude Berndt, Frank Charles Stomski, and Angel Francisco Lopez only.

8. We each further declare that all statements herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: 18 January 2007

  
Mark Andrew Guthridge, Inventor

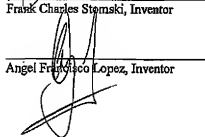
Dated: 26 January, 2007

  
Michael Claude Berndt, Inventor

Dated: January 18th 2007

Dated: January 18th 2007

  
Frank Charles Stanski, Inventor

  
Angel Francisco Lopez, Inventor